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# Welsh Language Commissioner Strategic Plan 2015-17



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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April 2015



This is the Welsh Language Commissioner's second strategic plan. It outlines the Commissioner's objectives and priorities for the period from April 2015 to March 2017.

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# 1

## Foreword

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This Strategic Plan is published in a period of significant changes to public life in Wales.

With a General Election in May 2015 and an Assembly Election in May 2016, we will see in this period the changing of governments and new legislative programmes being developed and created. The recommendations of the Silk Commission will come into force, and new powers will be devolved to Wales. At the same time, as local government and other services are reorganized, the shape of the entire public service in Wales will fundamentally change.

The priorities of this plan have been determined with the aim of ensuring that the Welsh language is central to the public discussions and the policy decisions which will stem from these changes.

The way in which Welsh language services are provided will change significantly as my office begins to impose standards on organizations in relation to the Welsh language. The new system will impose duties which will lead to establishing rights for people to receive Welsh language services.

I will implement a robust regulatory procedure on the new duties. I believe that protecting and ensuring that citizens are treated with respect and with fairness is central to any regulatory work. I will support Welsh language users and will work with communities in order to gain a better understanding of their experiences, their needs and aspirations. Evidence gathered will be used to contribute towards ensuring compliance with the law. My intention in doing so is to give people the assurance and confidence to use the Welsh language in their everyday lives.

I expect organizations to comply with the legal duties imposed on them. Where that doesn't happen, I will take appropriate steps to ensure compliance with the duties and, by doing so, will ensure that the rights of Welsh language users are protected. To achieve this, I will use a variety of regulatory methods.

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A programme for communicating with the public will be prepared, and I intend to take every opportunity to discuss with individuals and various grass-roots groups and organizations. The International Association of Language Commissioners conference will be held in Wales in 2017. The event will be an opportunity for us to share experiences on how language rights can be realized and it will also be an opportunity to showcase the best of a bilingual Wales to an international audience.

My aim is for anyone in Wales to be able to live their lives through the medium of Welsh if they choose to do so. To meet the aim, the work of implementing and regulating the law will stand side by side with the promotion and facilitation of the Welsh language. This means working with third sector organizations and charities, businesses such as shops and banks and those in the tourism and heritage sector, the sports and leisure industry, and organizations which represent all of these sectors, to support them to develop their use of the Welsh language.

By implementing the strategic priorities identified in this document, my objective is to ensure all of the changes to the civic landscape of Wales will lead to increasing the use of the Welsh language. I want to see Welsh as a natural and unquestionable part of everyday life in Wales, in the Welsh language communities and in the bilingual and multilingual communities, the length and breadth of the country.

A handwritten signature in black ink that reads "Meri Huws". The signature is written in a cursive style and is positioned above a horizontal line.

Meri Huws

**Welsh Language Commissioner**

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# 2

## Aim and Functions

- 2.1 The aim and functions of the Welsh Language Commissioner are defined in the Welsh Language (Wales) Measure 2011. The principal aim of the Commissioner in exercising her functions is to promote and facilitate the use of the Welsh language. In so doing, the Commissioner must try to increase the use of Welsh in the provision of services, and through other opportunities. Also, the Commissioner will focus on the official status of the Welsh language in Wales and on the duties, imposed by law, to use the Welsh language, and the rights arising from the ability to enforce those duties.
- 2.2 Two wider principles underpin the work of the Commissioner. The first is the principle that in Wales the Welsh language should be treated no less favourably than the English language and secondly that persons in Wales should be able to live their lives through the medium of Welsh if they choose to do so.
- 2.3 The Commissioner may do anything that is appropriate within legislative boundaries to achieve her aim. The Welsh Language (Wales) Measure 2011 imposes several functions and powers on the Commissioner. For example, the Commissioner must publish 5 year reports on the position of the Welsh language and may conduct an investigation into any matter relating to her functions. The Commissioner may institute or intervene in legal proceedings and she has semi-judicial powers by means of the requirement to determine on cases within her functions. The Commissioner also has wider functions, including:
- Promoting the provision of opportunities to use the Welsh language
  - Keeping under review the adequacy and effectiveness of the law relating to the Welsh language
  - Producing and publishing reports
  - Carrying out, or commissioning others to carry out, research,
  - Making recommendations to Welsh Ministers
  - Giving advice to any person
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- 2.4 **A Living Language: A Language for Living**, the Welsh Government's Welsh Language Strategy for 2012-17 also places responsibilities upon the Commissioner. These include:
- Developing guidance in relation to good practice in using the Welsh language in the workplace across all sectors
  - Promoting voluntary use of the Welsh language by the third sector
  - Promoting voluntary use of the Welsh language by the private sector
  - Coordinating the standardization of Welsh terminology and place names
  - Supporting and developing the translation industry
- 2.5 All these matters as well as what was achieved by the first Strategic Plan were considered in preparing this Plan. This document explains how we propose to work towards realizing the Welsh Language Commissioner's general aim over the next two years.
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# 3

## Vision and Values

- 3.1 In addition to her statutory aims and functions, the Commissioner's wider vision is:
- For the Welsh language to be central to everyday life in Wales and where it can be used increasingly**
- 3.2 The Commissioner has been established for three years and she has completed her first Strategic Plan. The first plan mainly involved laying the foundations for implementing new legislation. It was a period of testing and challenging new powers and functions, including conducting an investigation for the first time into primary care; applying for a judicial review of National Savings and Investments and moving forward with the Commissioner's responsibilities in terms of imposing standards relating to the Welsh language.
- 3.3 In trying to achieve her long term vision, the Commissioner has identified 5 strategic objectives for 2015-17:
1. Influencing the consideration given to the Welsh language in policy developments
  2. Ensuring justice for Welsh language users
  3. Imposing statutory duties and regulating them
  4. Encouraging, promoting and facilitating the use of the Welsh language on a voluntary basis
  5. Operating and communicating appropriately and effectively
- 3.4 The Commissioner and her officers will operate on the basis of core values. The Commissioner must operate independently by making and implementing decisions based on evidence. In forming an opinion the Commissioner will be firm, providing assurance to the user. The Commissioner will take every opportunity to be proactive and innovative in order to encourage continuous change and improvement. To contribute towards increasing the use of the Welsh language, the Commissioner will be a voice on behalf of Welsh language users. In order to develop an attractive and healthy working environment that supports and seeks the opinions of her workers, and in order to be an organization that learns from experience, the Commissioner will be open and fair.
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# 4

## Strategic Objectives

### Strategic Objective 1

#### **Influencing the consideration given to the Welsh language in policy developments.**

- 4.1 Legislation and policy developments can have a significant impact on the aim of promoting and facilitating the use of the Welsh language. Areas such as education, economic development, housing and planning are central to the future of the Welsh language. If appropriate consideration is not given to the Welsh language from the outset of developing policies and legislation in these areas, there is a risk that developments may have an adverse impact on the Welsh language or that opportunities are missed to impact positively on its future.
  - 4.2 The Welsh Government is the main organization for developing policies and legislation in Wales and the UK Government also develops policies on areas which have not been devolved. So far, the consideration given to the Welsh language by legislation and policy makers is inconsistent. The Welsh language needs to be considered consistently and the Commissioner will scrutinize and work to influence policies by prioritising national issues which will have the most impact on the Welsh language.
  - 4.3 During 2014 the Commissioner published an inquiry report on the primary care sector. The Welsh Government has committed to take action on the basis of the Commissioner's recommendations in the report and clear improvements are expected during the period covered by this plan. The Commissioner will build on the experience gained from the first inquiry and will start planning for conducting another inquiry on a different subject during the second year of this plan.
  - 4.4 The Commissioner is required to prepare a 5 year report on the position of the Welsh language. The report will consider and summarize the most significant evidence and research on the Welsh language. This will include an analysis of the 2011 Census results and other sources, such as the Language Use Survey commissioned in conjunction with the Welsh Government. The report is due to be published and presented to the Government during summer 2016.
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- 4.5 Influencing policy largely depends on collating evidence and data to support and strengthen debates. The 5 year report will be an important source in this respect, and the Commissioner will continue to gain more understanding of the position of the Welsh language by researching or commissioning others to undertake research work. She will also continue to look for opportunities to work with other organizations in Wales and further afield in relation to research work.

**The Welsh Language Commissioner will focus on the following priorities:**

1. Influencing and scrutinizing policy and legislation
  2. Conducting an evidence-based inquiry into a priority area
  3. Preparing a 5 year report on the position of the Welsh language
  4. Increasing and improving the understanding of the position of the Welsh language by researching and working with others
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## Strategic Objective 2

### Ensuring justice for Welsh language users

- 4.6 As the Welsh Language Measure's influence over organizations increases, expectations will increase. Despite this, it is unlikely that more public funds will be available and this may impact the nature or range of services offered in future. In such a climate, two things are important to the Commissioner:
- That the changes on the horizon do not impact disproportionately on the opportunity to use the Welsh language.
  - That the Commissioner's powers may be used to maintain and strengthen the position of the Welsh language by ensuring accountability when things go wrong, and justice for individuals.
- 4.7 The Commissioner will lead a discourse on the rights of Welsh language users. This will help to ensure that there is an understanding across society of the challenges faced by people trying to use the language. By working together, new means of meeting people's needs and aspirations can be found. Most importantly, we must ensure that people wishing to live their everyday lives through the medium of Welsh are respected.
- 4.8 The Commissioner will work to ensure more accountability where there is not sufficient legal protection or opportunity to use the Welsh language. In this respect the Commissioner has a variety of options under the Welsh Language (Wales) Measure 2011. One of these options is to use powers to institute or intervene in legal proceedings. The Commissioner will use this power if she believes that a matter is of strategic importance to promote and facilitate the use of the Welsh language; where there is no other option to meet the same aim and if the matter is clearly of public interest.
- 4.9 Increasingly the Commissioner will have more powers to enforce organizations to use the Welsh language where they have failed to do so as they should. The Commissioner will be firm and fair in the way she operates and will do so in accordance with her Enforcement Policy. The aim will be to enforce compliance with duties in order to prevent a continuous or repeated failure. In serious cases, she will enforce a penalty.
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- 4.10 The Commissioner will consider to what degree the Welsh language duties imposed by law will impact directly or indirectly on users' ability to live their lives through the medium of Welsh. It will also be possible to consider what aspects of people's lives are not protected by those standards. The Commissioner will be responsible in this respect for providing an overview on the adequacy of the law.
- 4.11 The Commissioner will investigate and determine cases, whether in light of receiving information regarding an interference with the freedom of an individual to use the Welsh language, the suspected failure of an organization to implement a language scheme or, in future, the failure to adhere to Welsh language standards. A large proportion of the cases investigated by the Commissioner will be complaints from individuals. In determining each case she will be aware of the rights that may arise from the function of enforcing duties.
- 4.12 Providing information strategically is an effective way of empowering users. Keeping in contact with users is central to the Commissioner's regulatory functions and this will happen increasingly as the Welsh language standards come into force.

**The Welsh Language Commissioner will focus on the following priorities:**

5. Increasing understanding of the rights of Welsh language users
  6. Promoting the use of the Welsh language and linguistic rights by instituting or intervening in legal proceedings
  7. Ensuring that organizations operate as they should by enforcing duties and penalising failures in accordance with the Commissioner's legal powers
  8. Investigating suspected failures to comply with language duties
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### Strategic Objective 3

#### Imposing statutory duties and regulating them

- 4.13 The Welsh Language (Wales) Measure 2011 creates a system for imposing duties on organizations in the form of Welsh language standards. The Commissioner has two specific functions in imposing standards, namely to carry out standards investigations at the beginning of the process and to give compliance notices to impose specific duties on organizations. It is the Welsh Government's responsibility to determine the content of the standards. This is done by regulations, which are secondary legislation introduced through the National Assembly for Wales.
- 4.14 The Commissioner has already carried out a standards investigation in relation to 145 organizations, and the Welsh Government has introduced standards regulations for the first 26 organizations. The Commissioner will continue to carry out standards investigations during the period covered by this plan, prioritising other sectors named in the Measure. The Commissioner will also issue compliance notices to those organizations named in the Government's regulations.
- 4.15 One of the Commissioner's functions is to provide advice and encourage good practice in terms of using the Welsh language. As new duties are imposed on organizations it will be important that they fully understand the requirements. For example, the Commissioner may publish codes of practice to provide practical guidance on standards requirements. The Commissioner has already published advice documents on subjects such as recruitment; technology and grants and will be considering the need for new guidance as the standards come into force. The Commissioner will also organize events to educate organizations about their duties as necessary.
- 4.16 Once compliance notices have been given to organizations, the Commissioner will regulate them within clear accountability arrangements. Through inspecting compliance, the aim will be to support organizations to comply with the standards imposed on them. In considering compliance with the standards, the Commissioner will look for success and will inform organizations of the steps they should be taking to avoid failure.
- 4.17 Through her regulatory work, the Commissioner will seek to maintain a cooperative relationship with organizations. The Commissioner will operate fairly and openly. She will analyse performance based on evidence, focus on the most important issues and will draw attention to solutions for problems which impact the opportunities to use the Welsh language
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- 4.18 The Commissioner will take every opportunity to work in the public interest. She will give expert opinion on compliance and will offer a level of public assurance on performance. Careful attention will be given to producing work of a high standard in order to gain the public's trust and confidence in her conclusions. Her opinion will be consistent with the statutory requirements placed on organizations and will always be an independent opinion.
- 4.19 It will be important to focus on the impact of duties on the Welsh language and because of this a proportion of the Commissioner's resources will focus on identifying and reporting the experiences of Welsh language users. Much more can be achieved by cooperating with and listening to Welsh language users than from not including them in the process.

**The Welsh Language Commissioner will focus on the following priorities:**

9. Imposing statutory duties on organizations through the standards process
  10. Ensuring that statutory requirements are clear for those who have a duty to comply
  11. Implementing a pre-emptive regulatory programme in order to measure the performance of organizations against language duties
  12. Giving an independent opinion on the performance of organizations and reporting on the language experiences of Welsh language users
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## Strategic Objective 4

### Encouraging, promoting and facilitating the use of the Welsh language on a voluntary basis

- 4.20 The Welsh language must be accessible for everyone. The Commissioner will work towards encouraging, promoting and facilitating the opportunity to use the Welsh language in the everyday lives of all citizens in Wales. This will be on a voluntary basis among the majority of organizations in the private and third sectors. This will be done by showing the organizations the importance of the Welsh language, either to their clients, their customers, their staff or their wider stakeholders. The Commissioner will offer opportunities for organizations to commit to plans to promote the use of Welsh.
- 4.21 To ensure that the relevant skills and information are available to organizations and individuals, the Commissioner will work to collate and share good practice involving the Welsh language. The Commissioner will offer opportunities to educate organizations where there are no statutory language duties imposed on them. Organizations will be made aware of the evidence and research that show the benefits of providing Welsh services and the Commissioner will try to ensure that the organizations benefit fully from the good practice guidance available.
- 4.22 To achieve the Commissioner's objectives and vision and to ensure the best possible impact, the Commissioner will work with a range of key stakeholders and partners in the private and third sectors. By doing so the Commissioner will share her core vision which is to create a country where the Welsh language is central to everyday life and where it can be used increasingly.
- 4.23 For all kinds of organizations and individuals to be able to offer Welsh medium provision, the infrastructure, namely the appropriate resources to facilitate provision, must be available to them. This includes information technology that supports the Welsh language; linguistic resources such as standardized place-names and glossaries and a body of first class translating professionals.
- 4.24 The Commissioner is responsible for coordinating developments in terminology and place names and for continuing to develop the translation industry in Wales. To ensure that the Welsh language infrastructure is developed, the Commissioner will work with other organizations and will develop robust networks within the field, influencing policy makers to ensure that they are fully aware of Welsh language needs when making decisions about the infrastructure of the Welsh language.
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**The Welsh Language Commissioner will focus on the following priorities:**

13. Identifying opportunities to increase the use of the Welsh language
  14. Developing and sharing guidance and good practice on the use of the Welsh language
  15. Developing strategic contacts and networks
  16. Coordinating developments in Welsh language infrastructure
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## Strategic Objective 5

### Operating and communicating appropriately and effectively

- 4.25 With members of staff located in four offices, internal communication is essential to ensure a unity of purpose. The Commissioner will therefore ensure that a variety of methods are available for officers to communicate with each other. The Commissioner recognises the PCS Union and meets regularly with its officers to discuss issues that are important to union members.
- 4.26 The Commissioner will develop a programme to communicate with the public, policy makers and other stakeholders in order to develop and strengthen their understanding of what organizations are expected to offer in Welsh, the scope of the Commissioner's powers and what services the Commissioner provides. A variety of methods are used to communicate with stakeholders, including various opportunities to listen to the opinion of people in Wales.
- 4.27 In the current financial climate, the effective use of money and resources is of key importance and the Commissioner has committed to the principles of managing Welsh Public Money. There are appropriate policies and procedures in place to plan, manage and monitor the organization's expenditure and resources. The Commissioner is also aware of the need to provide appropriate resources for officers to achieve the vision of the Strategic Plan and to counterbalance that with the need to operate cost-effectively.
- 4.28 As well as an Advisory Panel appointed by the Welsh Government, the Commissioner has an Audit and Risk Committee and has appointed Internal Auditors to give an independent overview of all the organization's operations. As a public appointment, the Commissioner is committed to the highest standard of internal administration. An officer has been appointed as Risk Manager and the Commissioner promotes a culture of appropriate responsibility and accountability throughout the organisation.
- 4.29 The Commissioner's staff is key to completing the functions and achieving the Commissioner's vision. They must have the necessary skills, and must be inspired to excel in their work. The Commissioner will use a variety of methods to ensure that all the staff understand and work towards the Commissioner's vision.
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**The Welsh Language Commissioner will focus on the following priorities:**

17. Communicating effectively internally and externally
  18. Managing the organization's finances, resources and infrastructure thus ensuring value for money
  19. Implementing appropriate governance functions
  20. Developing and maintaining the workforce
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# 5

## Reporting Progress

- 5.1 This Strategic Plan will be implemented through annual operational plans which will include specific projects, time scales and targets in order to measure achievement. These plans will also consider the needs in terms of resources and finance for each project.
- 5.2 The Commissioner will report her activities through a statutory Annual Report. The report must include the following matters:
- A summary of the actions taken in the exercise of the Commissioner's functions
  - A review of issues relevant to the Welsh language
  - A summary of the Commissioner's work programme
  - The Commissioner's proposals for a work programme for the following financial year
  - A summary of complaints
- 5.3 Also, Annual Accounts will be produced under arrangements agreed with the Treasury; these are subject to audit by the Wales Audit Office.
- 5.4 The Annual Report and Accounts will be published and posted on the Commissioner's website. A copy of the Annual Report will be presented to Welsh Ministers and they must lay a copy of the report before the National Assembly for Wales.
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# Welsh Language Commissioner

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